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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/751,257 | 12/29/2000 | Scott D. Leapman | 1955 | 8991 |
| 30408 | 7590 | 11/08/2005 | EXAMINER | |
| GATEWAY, INC. ATTN: PATENT ATTORNEY 610 GATEWAY DR. MAIL DROP Y-04 N. SIOUX CITY, SD 57049 | | | DINH, TAN X | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2653 | |

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/751,257 | LEAPMAN, SCOTT D. | |
| | Examiner | Art Unit | |
| | TAN X. DINH | 2653 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 August 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3,5-8,15,18,20 and 22-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>01/22/2001</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

1) The amendment filed 8/31/2005 is acknowledged. Claims 2,4,9-14,16,17,19,21 have been canceled. New claims 23-28 are currently been added.

2) The I.D.S filed 2/11/2001 (the third page) has been considered by the Examiner. However, the Japan and/or foreign document(s), if they have not been written in English, are considered to the extent that could be understood from the English Abstract and the drawings.

Form PTO-1449 or PTO/SB/08 is(are) attached herein.

3) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4) Claims 1,3,5-8,15,18,20,22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over WHITE et al (U.S 2005/0049002).

WHITE et al discloses a recording station as claimed in claims 1 and 23, comprises an interface allowing initial of function of recording station (Fig.9, interface 904), a drive capable of

receiving a recordable media having content recorded thereon (Fig.9, CD player 903), transferring the recorded content to another portable player (Fig.9, the audio in CD player are transferred to MP-3 player 907), except to specifically show a converter for converting the recorded content to another format. It would have been obvious to someone within the level of skill in the art at the time of the invention was made to convert the recorded content to another format in WHITE et al's audio recording station as claimed, the rationale is as follows:

In figure 9 and paragraphs [0091] to [0093] WHITE et al teaches that the audio recorded in CD of CD player 903 can be transferred to MP-3 player 907. Since the MP-3 player 907 cannot play audio tracks recorded on CD in CD player 903, obviously, the audio tracks must be converted to MP-3 format and transfers to MP-3 player 907.

As to claim 3, WHITE et al shows recordable media is compact disc (paragraph [0091]).

As to claim 5, WHITE et al shows transceiver is using hardwire connection or wireless connection (Fig.9, 908).

As to claim 6, WHITE et al shows docking station capable recharging portable player and transferring the recorded content to a portable player when the are connected (paragraph [0091]- [0092]).

As to claim 7, it would have been obvious to use a second drive in WHITE et al's audio recording station since connects one or more audio players together, sharing audio data and selectively control or playing on different audio player are considered to be within the level of skill in the art.

As to claim 8, WHITE et al shows another format is MP-3 format (paragraph [0093]).

Claim 15 add the feature of recharging the portable player to claim 1, which is found in paragraph [0091]- [0092].

Claims 18 and 24 are rejected with the same reasons as set forth in claim 3 above.

Claims 20 and 28 are rejected with the same reasons as set forth in claim 8 above.

Claims 22 and 25 are rejected with the same reasons as set forth in claim 5 above.

Claim 26 is rejected with the same reasons as set forth in claim 15 above.

Claim 27 is rejected with the same reasons as set forth in claim 7 above.

5) Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

6) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See form PTO-892 attached herein).

Applicant is reminded that in amending in response to a rejection of claims (if the rejection involves with any applicable arts), the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection

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made. Applicant must also show how the amendments avoid such references and objections. See 37 CFR § 1.111(c).

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN XUAN DINH whose telephone number is (571)272-7586. The examiner can normally be reached on MONDAY-FRIDAY from 8:00AM to 5:00PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/> Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) .



TAN DINH
PRIMARY EXAMINER
November 4, 2005